

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MICHEAL LOCKLEAR,

Plaintiff,

v.

Case No. 04-C-799

QUALA CHAMPAGNE, Warden,

Defendant.

ORDER

The petitioner in the above action for *habeas corpus* pursuant to 28 U.S.C. § 2254 seeks release on bond pending a determination of his petition. The motion will be denied. The petitioner has been duly convicted and sentenced in state court. Although he has a pending federal *habeas corpus* petition, the state court judgment and conviction are at this point presumed constitutional. In light of this presumption, petitioner's motion for release on bond pending a determination of his petition will be denied.

SO ORDERED.

Dated this 19th day of May, 2005.

s/ William C. Griesbach
William C. Griesbach
United States District Judge